

REMARKS

Claims 1-7 are pending in the present application. Claims 1, 2, 3, 5, and 6 have been amended to respond to the Office Action and correct typographic errors in the application and the published specification. No new matter is added by the amendments which are supported throughout the specification and figures. In particular, the amendments are supported at least at page 15, lines 7-12, of the specification. In view of the amendments and the following remarks, favorable reconsideration of this application is respectfully requested.

Applicants note with appreciation that the Office Action acknowledges that claims 2, 3, 4, 6, and 7 are directed to patentable subject matter. With the amendment of claims 2 and 6 into independent form including the features of their respective base claims, Applicants submit that all of claim 2, 3, 4, 6, and 7 are allowable.

Claims 1 and 5 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,529,473 to Bavant et al. (hereinafter Bavant) in view of U.S. Patent No. 6,327,243 to Gregorat (hereinafter Gregorat). Applicants respectfully traverse.

The Office Action relies on the combination of Bavant and Gregorat in rejecting the claims. Specifically, the Office Action relies on Bavant as apparently disclosing a system including ATM/AAL modules which operate in an active and passive mode. The Office Action admits that Bavant fails to disclose or suggest the feature of a system for active/standby switching in which handover information and uncompleted cell data is transferred from a formerly active system to a newly active system. The Office Action relies on Gregorat as disclosing this feature. However, Gregorat relates to a system for performing a seamless switchover from a primary packet *router* to a secondary packet *router*. The Office Action asserts that the combination of the references would be obvious for the purpose of transferring cells and

preventing the loss of cells during an interchange of active/standby states. Furthermore, the Office Action asserts that the combination provides an efficient reconfiguration of architecture to allow for the switching of ATM cells in a LAN. However, there is no proper motivation for combining the references. The system in Gregorat relating to routers does not provide any suggestion as to the *manner* of modifying the system disclosed in Bavant. Therefore, Applicants submit that the combination of the references is improper and respectfully request that the rejection be withdrawn.

However, in the interest of expediting prosecution, and for the purpose of clarifying the claimed subject matter, Applicant herein amend the claims to recite additional details relating to the handover information. In particular, the amendment to the independent claims discloses that the handover information includes at least one of an ATM connection information, a sequence number (SN), a short cell header, a short cell residual payload length, or a cross-header byte number across short cell headers. It is respectfully submitted that neither reference discloses or suggests these features. As discussed above, the Office Action admits that Bavant does not disclose or suggest handover information. Likewise, Gregorat does not disclose or suggest the specific handover information now recited in the independent claims. The Office Action apparently asserts that data packets exchanged during switchover constitute handover information (Office Action; page 3, bottom). Without admitting the veracity of this assertion, with which Applicants respectfully disagree, it is respectfully submitted that data packets do not disclose or suggest any of the specific examples of handover information recited in the amended claims. Therefore, for at least this reason, the amended claims are allowable.

In view of the remarks set forth above, this application is believed to be in condition for allowance which action is respectfully requested. However, if for any reason the Examiner

Serial No.: 10/608,624

should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,

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Docket No.: NECG 20.476 (100806-00213)

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